



CITY OF MEMPHIS

COUNCIL AGENDA

January 6, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (December 16, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating United Housing on its 15th Anniversary.

Boyd

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing the Memphis University School Football Team as the 2008 Division 2-AA State Champions.

Flinn

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a planned development located on the southeast corner of Fischer Steel Road and Herbert Road, +/-1,500' west of Germantown Parkway containing 25.62 acres in the Heavy Industrial (I-H) District.

Hedgepeth

Case No. PD 08-315

Applicant: Cordova Development Group, Inc.
Frank Fitzgerald/Mark Davis – Representative

Request: A Mixed Use Sports Complex to include Basketball and Hockey Arenas, Hotel, Restaurants, Retail Commercial and Training Space

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

43 NOTICES MAILED ON DECEMBER 23, 2008

4. RESOLUTION approving a planned development located on the north side of Tournament Drive; +1,070 feet west of Hacks Cross Road, containing 27.4 acres in the Agricultural Flood Plain (AG{FP}) District. (Held from 12/16/08)

Hedgepeth

Case No. PD 08-323

Applicant: Clark & Clark (Ben Clark)
ETI Corporation (Ralph Smith) – Representative

Request: Amend Part of Area D and all of Area E to permit Multi-Family Residential

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

59 NOTICES WERE MAILED ON DECEMBER 5, 2008

5. RESOLUTION approving a street/alley closure beginning at the south side of Linden Avenue, containing 1,650 square feet and 163' X 10' (Length X Width of R.O.W.), in the Single Family Residential (R-S6) Historic Conservation (HC) District.

Hedgepeth

Case No. SAC 08-610

Applicant: Grace St. Luke's Episcopal Church
Askew, Hargraves, Harcourt, and Associates, Inc. –Representative

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

83 NOTICES MAILED ON DECEMBER 23, 2008

DIVISION OF PLANNING & DEVELOPMENT

6. RESOLUTION approving a special use permit located on the southwest corner of Poplar Avenue and Barksdale Street, containing 0.40 acre in the Multiple Family Residential (R-MM) District.

Hedgepeth

Case No. SUP 08-229

Applicant: Paige Williams

Request: Office

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7. RESOLUTION approving a special use permit located on the north side of Club Parkway; \pm 390 feet west of Germantown Parkway, containing 3,035 square feet leased parcel on a 29,838 square feet (0.69 acre) tract in the Planned Commercial (C-P) District tract regulated by the Club Parkway North C-P Plan (Z 93-120cc).

Hedgepeth

Case No. SUP 08-232

Applicant: Tower Ventures V, LLC

Request: Cell Tower (145 ft. monopole with flagpole design)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING

8. **ORDINANCE** to amend zoning regulations to adopt definitions for Financial Services, Payday Loan Establishments and Title Loan Establishments and to create new use categories for Payday Loan Establishments and Title Loan Establishments and to establish location and distance separation requirements for Payday and Title Loan Establishments, up for T H I R D and F I N A L reading. **(This item was pulled from the Minutes of 12/2/08 on 12/16/08 and sent back to Committee)**

Hedgepeth

Ordinance No. 5284

Case No. ZTA 08-001cc

ACTION REQUESTED: Take whatever action Council deems advisable

9. **ORDINANCE** rezoning the west side of Warford Street; \pm 151 feet north of Heard Avenue, containing 13.74 acres in the Vacant land area ~ Local Commercial (C-L) District, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5289

Case No. Z 08-112

Applicant: Shelby County Government
Shelby County Government – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

207 NOTICES MAILED ON DECEMBER 23, 2008



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

10. **ORDINANCE** to amend the Code of Ordinances, of the City of Memphis, Pertaining to the Contracts of the Memphis Light, Gas and Water Division relating to Settlement Agreements Under Workers' Compensation Laws, up for F I R S T reading.

Ware

Ordinance No. 5291

ACTION REQUESTED: Adopt the ordinance on First reading

11. **ORDINANCE** to provide for Minimum Energy Efficiency in Rental Property, up for F I R S T reading.

Ware

Ordinance No. 5292

ACTION REQUESTED: Adopt the ordinance on First reading

12. **ORDINANCE** to amend Chapter 2, Article XI, Code of Ordinances, City of Memphis, so as to Change the Reporting Requirements for Small Businesses, up for F I R S T reading.

Halbert

Ordinance No. 5293

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

13. **ORDINANCE** rezoning the south side of Overton Park Avenue; +114.58 feet west of Hawthorne Street, containing 0.3932 acre in the Single Family Residential (R-S8) District, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5290

Case No. Z 08-116

Applicant: Mr. & Mrs. Caleb Sweary
Askew Hargraves Harcourt & Associates – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

14. RESOLUTION approving final plat of NEW TOWNE CENTER at SOULSVILLE P.D.

Case No. PD 06-315

Contract No. CR-5131

Resolution approves the final plat located on the southeast corner of East McLemore and Neptune Street. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION accepting RIVERPOINT P.D. and authorizing release of bond.

Case No. PD 04-367

(Contract No. CR-4945)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Island Place East, south of Mud Island Drive. The standard improvement contract was approved on May 17, 2005. Resolution also authorizes the release of the Letter of Credit in the amount of \$70,000.00

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION accepting GOODLETT FARMS EAST P.D., PHASE 14 and authorizing release of bond.

Case No. PD 90-317cc

(Contract No. CR-5089)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the intersection of Goodlett Farms Parkway and Garrett Ridge. The Standard improvement contract was approved on August 7, 2007. Resolution also authorizes the release of the certificate of deposit in the amount of \$55,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

17. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 08-326

Located on the existing western terminus of Market Plaza Drive, containing 15 acres in an area currently governed by PD 04-312

Applicant: Tombo Properties
John Maxwell – Representative

Request: Amend Outline Plan Parcel I-D of the Galleria Planned Development to expand it by including 15 acres from Outline Plan Parcel I-A, in order to permit hotels/motels, including site plan approval for the construction of a Hilton Garden Inn Hotel six stories in height with 138 guest rooms

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 08-329 – Trinity Road P. D.

Located on the north side of Trinity Road, +749 feet west of Germantown Road, extending north to the south side of Moriarity Road, containing 4.3 acres in the Heavy Industrial (I-H) District

Applicant: B & H Hospitality, LLC (Bill Brennan)
Ronald Harkavy – Representative

Request: Hotel, Office, Retail or Restaurant

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 27, 2009



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MLGW FISCAL CONSENT

18. RESOLUTION approving Change No. 2 to Contract No. 11112, Generator Preventative Maintenance Agreement, with Cummins Mid-South, LLC, in the funded amount of \$57,051.40. (This renews the contract for the second of four renewal terms, January 21, 2009 to January 20, 2010.)
19. RESOLUTION approving Change No. 1 to Contract No. 11134, Integrator Service for Arlington and Capleville LNG Plants, with Logical Systems, Inc., in the funded amount of \$15,000.00. (This renews the contract for the first of four renewal terms, January 21, 2009 to January 20, 2010.)
20. RESOLUTION approving Change No. 1 to Contract No. 11161, Water Leak Survey, with Heath Consultants, Inc. in the funded amount of \$45,000.00. (This renews the contract for the first of four renewal terms, January 21, 2009 to January 20, 2010.)
21. RESOLUTION approving Change No. 1 to Contract No. 11209, Mobile Document Shredding Service, with Vital Records Control in the funded amount of \$16,057.68. (This renews the contract for the first of four renewal terms, January 4, 2009 to January 3, 2010.)
22. RESOLUTION approving Change No. 2 to Contract No. 11220, Temporary Services, with Kelly Services, Inc. in the funded amount of \$236,844.27. (This renews the contract for the second of four renewal terms, January 1, 2009 to December 31, 2009.)
23. RESOLUTION awarding contract for software support, maintenance and upgrades for MLGW's current document imaging system to Optical Laser in the amount of \$32,786.50.
24. RESOLUTION awarding contract for 2,000 barricade stands to Care Safety, LLC in the amount of \$47,000.00.
25. RESOLUTION awarding contract for 1,000 barricade boards to Personal Safety First, LLC in the amount of \$31,910.00.
26. RESOLUTION awarding contract for one wheel-type industrial tractor to Thompson Machinery, LLC in the amount of \$50,993.00.
27. RESOLUTION awarding contract for one VMWare expansion system to Logicalis Integration Solutions, Inc. in the amount of \$177,657.15.

28. RESOLUTION awarding contract for one backhoe loader to Stribling Equipment, LLC in the amount of \$73,765.00.
29. RESOLUTION approving payment of 2009 annual membership dues to the American Gas Association (AGA) in the amount of \$51,680.00.
30. RESOLUTION approving renewal of Cooperative Agreement No. 5447, Investigation of Water Resources, with the U.S. Department of the Interior Geological Survey, for the period November 1, 2008 through October 31, 2009, in the amount of \$316,000.00.
31. RESOLUTION approving Amendatory Agreement between MLGW and TVA for MLGW to cooperate in a planned one-year pilot project in connection with the EnergySmart Memphis Program, to purchase 264 residential window air conditioner units at a cost not to exceed \$160,000.00 which will be reimbursed by TVA.
32. RESOLUTION approving the employment of Butler, Snow, O'Mara, Stevens and Cannada, PLLC, to provide legal services on an as-needed basis at an agreed-upon hourly rate.
33. RESOLUTION giving contract authority to MLGW's General Counsel to pay a claims settlement in the amount of \$180,416.70.
34. RESOLUTION giving contract authority to MLGW's General Counsel to pay claims settlements in the amount of \$75,029.92.



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

35. RESOLUTION to waive obligation of repayment from the Library Foundation in lieu of direct payments made to vendors from the Library Foundation.

Halbert

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

36. RESOLUTION accepting and appropriating grant funds in the amount of Two Hundred Twenty Thousand, Five Hundred Dollars (\$220,500.00) from the U.S. Department of Housing and Urban Development for the Economic Development Initiatives Special Project Grant to provide funds for demolition and planning activities as part of the University Place HOPE VI Revitalization Project.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

37. RESOLUTION approving amendment to the MLGW Retirement and Pension System (the “Plan”) to incorporate the HEART Act (Heroes Earnings Assistance and Relief Tax Act of 2008.

Ware

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION approving amendment to the MLGW Retirement and Pension System (the “Plan”) to revise the definition of Child.

Ware

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving amendment to the MLGW Retirement and Pension System (the “Plan”) to include the revised language from Section 415 of the Internal Revenue Code.

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

40. RESOLUTION approving a lease agreement with T E Products Pipeline Company, LLC (“TEPPCO”), as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 24, 2008. (Held from 12/2/08)

Collins

Contract No. CR-5128

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

41. RESOLUTION amending the FY 2009 Capital Improvement Budget by appropriating \$4,183,957.00 within Loosahatchie Interceptor, Project Number SW04008, in State Revolving Loan Funds.

Morrison

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

42. RESOLUTION approving City involvement in the mortgage lending lawsuit.
Ware

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION honoring Avon Lenox School and Principal Margaret McKissick-Larry for their superior achievements in the field of education in Memphis and Shelby County.
Lowery

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 5 – Approved
6. & 7 –Approved, as amended
8. Held until January 27, 2009
9. Dropped
10. Through 15 – Approved
16. Dropped
17. Public Hearing Set for January 27, 2009
18. Through 32 – Approved
33. Dropped
34. Through 43 – Approved

ACTION TAKEN ON THE MINUTES OF DECEMBER 16, 2008 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEM#34, FROM TONIGHT'S MEETING

Approved